



U.S. Department of Justice

Tax Division

Civil Trial Section, Eastern Region

CDC:DSM:WWBenson
DJ 5-48-21960
CMN 2013100182

P.O. Box 227 Telephone: 202-514-9642
Washington, D.C. 20044 Telecopier: 202-514-6866

Via Facsimile (609) 989-0435 and ECF

October 5, 2015

The Honorable Tonianne Bongiovanni
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & US Courthouse
402 East State St.
Trenton, NJ 08608

Re: *United States of America v. Darren Commander, et al.*

Case No. 3:13-cv-01092-AET-TJB (D.N.J.)

Dear Judge Bongiovanni,

I write at the direction of your letter order dated September 28, 2015, seeking an update from the parties regarding the status of this case. The discovery process, and its attendant disputes, are continuing. Defendant Kenneth Skerienz has served demands on his codefendant Darren Commander and non-party Frank Dragotto. Based on conversations with Mr. Baldo, I understand that he will likely seek orders compelling compliance with these demands and sanctions. The United States will likely seek similar relief regarding its own discovery demands. In addition, Mr. Baldo has served the United States with new discovery demands. The United States is in the process of responding to these requests but will need more time to do so due to the age of the records sought.

Given the outstanding discovery issues, I think the discovery period should remain open so that these disputes may be resolved. Further, given how far apart the parties are regarding liability, I do not believe a settlement conference would be productive at this time. The United States would, however, welcome the opportunity to participate in a status conference if the court believes that would be conducive to resolving the current discovery disputes.

If you have any questions, please do not hesitate to contact me at the number listed above.

- 2 -

Sincerely yours,

s/ Ward Benson

WARD BENSON
Trial Attorney
Civil Trial Section, Eastern Region